

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KASHON SQUIRE,

Plaintiff,

-against-

ORDER

20-CV-4659 (JS) (ST)

SUFFOLK COUNTY, LINDA HOPE,
SHAQUAISUR BROOKS, 1ST PRESENT,
6th PRESENT, and CPS ERICA DAFFNEY,

Defendants.

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APPEARANCES

For Plaintiff: Kashon Squire, pro se
640783
Suffolk County Correctional Facility
110 Center Drive
Riverhead, New York 11901

For Defendants: No appearances.

SEYBERT, District Judge:

On September 30, 2020, incarcerated pro se plaintiff Kashon Squire ("Plaintiff") filed a Complaint in this Court pursuant to 42 U.S.C. § 1983 but did not remit the filing fee nor did he file an application to proceed in forma pauperis. (Compl., D.E. 1.) Accordingly, by Notice of Deficiency dated September 30, 2020, Plaintiff was instructed to cure this deficiency within fourteen (14) days. (See D.E. 2.) On October 14, 2020, the Notice of Deficiency and other correspondence mailed to Plaintiff at his address of record was returned to the Court marked "Discharged Return to Sender." (D.E. 6 and 7.) To date, Plaintiff has not responded to the Notice nor has he otherwise

communicated with the Court about this action. Plaintiff cannot prosecute this case if the Court cannot communicate with him. "The duty to inform the Court and defendants of any change of address is an obligation that rests with all pro se plaintiffs." Alomar v. Recard, No. 07-CV-5654, 2010 WL 451047, at *2 (S.D.N.Y. Feb. 9, 2010) (internal quotation marks and citation omitted); Laney v. Ramirez, No. 10-CV-9063, 2011 WL 6594491, at *1 (S.D.N.Y. Dec. 22, 2011) (collecting cases).

In an abundance of caution and given his pro se status, the Court will afford Plaintiff a final opportunity to prosecute this case. **Within thirty (30) days from the date of this Order, Plaintiff is ORDERED to (1) provide the Clerk of the Court, in writing, with a new address at which he can be contacted during the course of this litigation AND (2) pay the \$400 filing fee OR fill out the AO 239 in forma pauperis application form, annexed hereto.** Plaintiff is cautioned that his failure to comply with this Order within thirty (30) days from the date of this Order will lead to the dismissal of his Complaint without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b) and judgment will enter.¹

¹ Given Plaintiff's discharge from the Suffolk County Correctional Facility, it is likely that this Order will also be returned to the Court. However, it is also posted to the Court's Electronic Case Filing system and Plaintiff may view it there.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

The Clerk of Court is respectfully directed to mail the pro se Plaintiff a copy of this Order and include a copy of the AO 239 in forma pauperis application form.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: October 19, 2020
Central Islip, New York